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10/027,467	12/20/2001	Michael Alan Schmidt	659/793	1568

7590

08/27/2003

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EXAMINER

ALIE, GHASSEM

ART UNIT PAPER NUMBER

3724

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,467

Applicant(s)

SCHMIDT ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 26-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 6. 6) ☐ Other: .

Election/Restrictions

1. Applicant's election of Group I and Species III in paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 1-13 and 26-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the newly initial edge 56 of the sheet of material which is threaded into the processing apparatus as described in the specification. See page 11, lines 17-20. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, breaking of the sheet of material by the movement of the transfer blade from the retracted position to the extended position as set forth by the claim 15, breaking of the sheet of material by the nip rolls as set forth in claim 16, and breaking of sheet by the combination of the transfer blade and the nip rolls as set forth in claim 18.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to under 37 CFR 1.71 because it is not clear to one ordinary skill in the art how the sheet is diverted from the processing apparatus. It is not clear what is the main direction or line of travel of the sheet of material. Therefore, it is not clear how the sheet of material is being diverted away from the processing apparatus since its original route is not disclosed. It appears that the sheet of material is originally moving toward the nip rolls as it is shown in Fig. 11. Therefore, it is not clear how the sheet of material is being diverted away from the processing apparatus when it is not originally moving in the direction of the processing apparatus. See page 10, lines 26-32 and page 11, lines 1-25.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 14-25 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claim 14, the disclosure fails to teach how the sheet of material is diverted away from the processing apparatus by passing between the nip rolls. Is the transfer blade responsible for diverting the sheet toward or away from the processing apparatus? Regarding claim 23, the disclosure also fails to teach a separate means for directing the sheet

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of material away from the processing apparatus and a separate means for directing the sheet toward the processing apparatus.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 14-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 14, it is not clear what diverts the sheet away from the processing apparatus. Are the nip rolls responsible for diverting away the sheet from the processing apparatus? If so, what is the function of the transfer blade? See claim 1, lines 5-8.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14-16 and 19-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dambroth (3,817,467) and in view of Bolton (4,493,684). Regarding claim 14, Dambroth teaches an apparatus for cutting and threading a sheet including a frame, a transfer blade 20 having a retracted position and an extended position, a sheet of material 11 passing between the retracted position and the extended position of the transfer blade 20, and the movement of the transfer blade 20 from the retracted position to the extended position directs the sheet 11 toward a processing apparatus. The cutting mechanism 20 extends and pull away the sheet 11 toward a processing apparatus which is defined by the

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intake rollers I and II, the mounting member 16, and the magazine 18. Dambroth also teaches that the sheet 11 is diverted away from the processing apparatus by passing between the rolls 12 and III. The sheet 11 is diverted away or pulled away from the processing apparatus by the rolls 12 and III. See Figs. 4, 5, and 9 and col.2, lines 10-56 in Dambroth. Dambroth does not teach that the rolls 12 and III are nip rolls. However, the use of nip rolls for creating tension in the sheet of material before the sheet is cut or the use of nip rolls for breaking a sheet of material is well known in the art such as taught by Bolton. Bolton teaches a pair nip rolls 52A and 52B that are use to create tension in the sheet material 53. See Fig. 3 and col. 3, lines 61-68 and col. 4, lines 1-41 in Bolton. It would have been obvious to a person of ordinary skill in the art to place nip rolls as taught by Bolton adjacent Dambroth's rolls 12 and III in order to facilitate the cutting of the sheet of material by creating tension in the sheet of material by the nip rolls.

Regarding claim 15, Dambroth teaches everything noted above including that the movement of the transfer blade from the retracted position to the extended position breaks the sheet 11. See Fig. 5 in Dambroth.

Regarding claim 16, Dambroth as modified by Bolton teaches everything noted above including that the sheet 11 is in contact with the nip rolls 52A, 52B as taught by Bolton. See Fig. 1 in Bolton.

Regarding claim 19, Dambroth teaches everything noted above including that the transfer blade 20 has air jets 23. See Fig. 5 and col. 3, lines 1-19 in Dambroth.

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Regarding claim 20, Dambroth teaches everything noted above including an idler nip roll III wherein the idler nip roll provides tension to the sheet 11 when the sheet is in contact with the transfer blade 20. See Fig. 5 in Dambroth.

Regarding claim 21, Dambroth teaches everything noted above including that the sheet is a fibrous web. Dambroth teaches that web 11 is a textile material. The textile material is considered to be a fibrous material. See col. 1, lines 9-13 in Dambroth.

Regarding claim 22, Dambroth as modified above teaches everything noted above including that the transfer blade 20 and the nip rolls 52A and 52B are automatically controlled. See col. 4, lines 1-68 in Dambroth and Fig. 3 in Bolton.

12. Claims 17, 18, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dambroth and view of Bolton, as applied to claims above, and in further view of Lotto et al. (5,588,644), hereinafter Lotto. Regarding claim 17, Dambroth as modified by Bolton teaches everything noted above except the sheet of material is broken by the stress applied to the sheet by the rotation of the nip rolls at a faster speed than the speed of the sheet passing between the nip rolls. However, Lotto teaches a sheet of material 26b moves at a first speed and is broken by the stress or tension, which is created by the rotation of a pair of nip rolls 34a and 34b at a second speed greater than the first speed. See Fig. 3 and col. 5, lines 1-22 in Lotto. It would have been obvious to a person of ordinary skill in the art to provide the nip rolls of Dambroth's cutting device, as modified by Bolton, with the speed greater than the speed of the sheet material as taught by Lotto in order to break the sheet material by the nip rolls without using the transfer blade.

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Regarding claim 18, Dambroth as modified above teaches everything noted above including that the sheet 11 moves at a first speed and is broken by a stress applied to the sheet 11 by the combination of the movement of the transfer blade 20 from the retracted position to the extended position and the rotation of the nip rolls at a second speed greater than the first speed as taught by Lotton. The combination of the extension of the transfer blade 20 and the nip rolls with the speed greater than the sheet material can break the sheet of material 11 either at its point of contact with the transfer blade 20 or close to its point of contact with the nip rolls.

Regarding claim 23, as best understood, Dambroth as modified by Bolton, teaches everything noted above including that the transfer blade when is extended directs the sheet of material 11 toward the processing apparatus and when it is retracted the sheet 11 is pulled away from the processing apparatus by the rolls 12, III or nip rolls 52A, 52B as taught by Bolton. See Fig. 1 in Bolton and Dambroth. Dambroth as modified by Bolton also teaches that the cutting of the sheet 11 and directing the sheet 11 toward the processing apparatus take place simultaneously by the transfer blade 20.

Regarding claim 24, Dambroth as modified by the Bolton and Lotton teaches everything noted above including the nip rolls 52A and 52B, as taught by Bolton and modified by Lotton, cut the sheet material 11 in sections when the sheet of material 11 is directed away from the processing apparatus.

Regarding claim 25, Dambroth teaches everything noted above including that the sheet is a fibrous web. Dambroth teaches that web 11 is a textile material. The textile material is considered to be a fibrous material. See col. 1, lines 9-13 in Dambroth.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Biagiotti (5,769,352 and 5,368,252), Alexander, III (5,875,989), Morizzo (5,022,597), Biagiotti (5,690,296), Wedel (5,037,509), Beucus et al. (4,472,850), and Valment Corporation (WO 99/27184) teach a sheet-cutting device with an actuating blade.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga
August 13, 2003


Allan N. Shoap
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